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06 UNITED STATES DISTRICT COURT
07 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

08 UNITED STATES OF AMERICA,) CASE NO. CR91-166-MJP
09 Plaintiff,)
10 v.) SUMMARY REPORT OF U.S.
11 CLEVELAND WALKER JR.,) MAGISTRATE JUDGE AS TO
12 Defendant.) ALLEGED VIOLATIONS
OF SUPERVISED RELEASE
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14 An initial hearing on supervised release revocation in this case was scheduled before me
15 on April 19, 2006. The United States was represented by AUSA Kathryn Warma and the
16 defendant by Nancy Tenney. The proceedings were digitally recorded.

17 Defendant had been sentenced on or about August 30, 1991 by the Honorable William L.
18 Dwyer on charges of Armed Bank Robbery (5 counts) and Bank Robbery, and sentenced to 78
19 months custody, 5 years supervised release.

20 The conditions of supervised release required defendant to comply with the standard 13
21 conditions, and the defendant was prohibited from possessing a firearm, required to provide his
22 probation officer with access to financial information, and required to participate in mental health

01 counseling as directed. Restitution was ordered in the amount of \$61,638.51.

02 Defendant commenced supervision on January 27, 1997. His supervised release was
03 modified on October 1, 1996 to required him to take all medication as directed for mental health
04 treatment, and to participate as instructed in a substance abuse treatment program.

05 On June 21, 2000, the conditions of supervised release were modified to require defendant
06 to participate in a home confinement program, to include electronic monitoring, for up to 60 days,
07 based on noncompliance issues. (Dkt. 18.)

08 On July 18, 2000, the defendant admitted to violating the conditions of supervised release
09 by using marijuana, failing to notify the probation office of a change in residence, failing to
10 participate in a home confinement program as directed, using opiates, and failing to submit to drug
11 testing. (Dkt. 24.) On July 24, 2000 the defendant admitted to violating the conditions of
12 supervised release by failing to obtain permission before leaving the judicial district. (Dkt. 25.)
13 Defendant was ordered to reside in a halfway house for up to 120 days, with all other conditions
14 of supervised release to remain in effect. (Dkt. 30.)

15 The conditions of supervised release were modified on May 3, 2001 to require defendant
16 to reside in a halfway house for up to 120 days, pending an evidentiary revocation hearing on
17 allegations of violation of supervised release. (Dkt. 38.) Defendant failed to appear for the
18 evidentiary revocation hearing and a bench warrant was issued. (Dkt. 42.) Defendant was
19 arrested, and admitted to violating the conditions of supervised release by participating in a scheme
20 to commit mail fraud, wire fraud and money laundering (Count 1), consuming marijuana (Count
21 2), and leaving the halfway house without permission (Count 3). He was sentenced to serve 36
22 months on Count 1, 24 months on Count 2 and one day on Count 3, to be followed by 4 years and

364 days supervised release. (Dkt. 48). Conditions of supervised release included the standard conditions plus the requirements that defendant pay restitution in the amount of \$56, 601.51 (the original amount of restitution, less amounts paid), participate in a substance abuse treatment program, abstain from the use of alcohol, submit to search, participate in a mental health program, provide access to financial information, maintain a single checking account for all financial transactions, provide information about any business interests, disclose all assets and liabilities, allow the inspection of any personal computer, and no new credit without permission.

In an application dated June 15, 2004 (Dkt 50), Senior U.S. Probation Officer Michael K. Banks alleged the following violations of the conditions of probation:

1. Failing to notify the probation office of any change in residence or employment, in violation of standard condition #6.

2. Failing to submit a truthful and complete written monthly report within the first five days of the month, in violation of standard condition #2.

Defendant was advised in full as to those charges and as to his constitutional rights.

Defendant admitted the alleged violations and waived any evidentiary hearing as to whether they occurred.

I therefore recommend the Court find defendant violated his supervised release as alleged, and that the Court conduct a hearing limited to the issue of disposition. The next hearing will be set before Judge Pechman.

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01 Pending a final determination by the Court, defendant has been detained.

02 DATED this 20th day of April, 2006.

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04 Mary Alice Theiler
05 United States Magistrate Judge

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07 cc: District Judge: Honorable Marsha J. Pechman
08 AUSA: Kathryn Warma
09 Defendant's attorney: Nancy Tenney
10 Probation officer: Michael K. Banks
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